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LETTER DATED 17 FEBRUARY 1992 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith the text of the letter dated 13 February 1992, addressed to you by the Minister of State for Foreign Affairs of the Islamic Republic of Pakistan.

The letter of the Minister of State for Foreign Affairs refers to an earlier letter dated 17 May 1991, addressed by the Secretary-General of the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, to your distinguished predecessor. A copy of this letter is also forwarded herewith for ready reference. I shall be grateful if the text of the letter dated 13 February 1992, addressed to Your Excellency by the Minister of State for Foreign Affairs, as well as the letter dated 17 May 1991, addressed by the Secretary-General of the Ministry of Foreign Affairs of the Islamic Republic of Pakistan, could be circulated as a document of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador and Permanent Representative

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Annex I

Letter dated 13 February 1992 from the Minister for Foreign Affairs of Pakistan addressed to the Secretary-General

1. The grave situation in the Indian-occupied Kashmir caused by the continued denial of the right of self-determination and the brutalities committed by the Indian authorities have forced the Kashmiri people into a state of desperation. The call by the Jammu and Kashmir Liberation Front, one of the organizations struggling for the right of self-determination for the people of Jammu and Kashmir, to cross the line of control en masse on 11 February 1992 to demonstrate their solidarity with their brethren being persecuted in the Indian-occupied Kashmir was merely a reflection of this desperation. The decision confronted the Government of Pakistan with an extremely difficult situation as we have extended full moral and political support to the indigenous struggle of the Kashmiri people for the exercise of their right to self-determination.

2. In accordance with our policy of self-restraint and in deference to your appeal, Pakistan took firm measures to prevent the crossing of the line of control on 11 February 1992 by the Kashmiri people. It was an extremely painful decision on our part because the struggle of the people of Kashmir is close to the hearts of the people of Pakistan. Pakistan cannot be expected to continue to indefinitely prevent such marches by use of force. The international community, particularly India, should realize that the real solution of the problem lies in allowing the people of Kashmir to decide their destiny freely in accordance with the relevant United Nations resolutions.

3. In our letters of May 1990, October 1990 and May 1991, sent to your predecessor, we had drawn his attention to the atrocities being committed by the Indian forces in the Indian-occupied Kashmir to suppress the indigenous struggle of the Kashmiri people for the free exercise of their right to self-determination as mandated by the United Nations Security Council resolutions.

4. I regret to say that the situation in the Indian-occupied Kashmir has deteriorated further. The reign of terror unleashed by the Indian forces to suppress the voice of the people of Kashmir continues with enhanced brutality and ferocity. Despite the news black-out imposed by the Indian authorities on events in the Indian-occupied Kashmir, independent human rights organizations continue to report a systematic campaign by the Indian forces in the valley to terrorize the population into submission.

5. There are daily reports of killings, arson, arbitrary arrests, torture and dishonouring of women. Several incidents of gang rape of women by the Indian forces have been reported since January 1990. Over 6,000 Kashmiris have lost their lives at the hands of the Indian forces. Many more have been injured or maimed for the rest of their lives. Thousands of Kashmiris have been incarcerated.

6. Several independent human rights organizations like Amnesty International have criticized the massive violations of human rights and fundamental freedoms of the Kashmiri people by the Indian authorities. However, there are no signs of a diminution in the Indian repression in the territory.

7. The unremitting brutalities committed by the Indian forces in the occupied Kashmir continue to cause deep concern and anguish to the Government and the people of Pakistan. The entire Pakistani nation observed a day of total solidarity with the struggle of the Kashmiri people on 5 February 1992. The Government of Pakistan has, however, exercised great self-restraint to avoid escalation of tensions in the region.

8. The Kashmir dispute remains on the agenda of the Security Council, which has mandated that the dispute may be resolved through holding a free and impartial plebiscite in Kashmir under United Nations auspices to enable the people of Kashmir to exercise their right to self-determination. It is indeed regrettable that the Security Council resolutions should remain unimplemented and the Kashmiri people should be denied their basic human rights and fundamental freedoms, including their right to self-determination, despite the wave of freedom and democracy which has swept the globe.

9. There is a virtual unanimity of view among the members of the international community that the international order following the end of the cold war should be based on the rule of international law, equity and respect for United Nations resolutions and human rights. It is ironical that India, a member of the Security Council, which has the primary responsibility for the maintenance of international peace and security, should be guilty of massive violations of human rights of the Kashmiri people in total disregard of its obligations under the Security Council resolutions, thus posing a serious threat to regional peace and stability.

10. We have tried to engage India in a constructive and meaningful dialogue for the peaceful settlement of the Kashmir dispute in accordance with the relevant United Nations resolutions and in the spirit of the Simla Agreement. Unfortunately, these efforts have not borne fruit owing to Indian intransigence.

11. It is incumbent upon the international community to take a serious note of the gravity of the situation in the Indian-occupied Kashmir caused by a sustained attempt by India to bludgeon the Kashmiri people into submission. It should call upon India to cease its atrocities and to respect the human rights and fundamental freedoms of the Kashmiris, including their right to self-determination as mandated by United Nations resolutions.

12. We hope that Your Excellency and the United Nations will investigate the grave situation prevailing in the Indian-occupied Kashmir through the dispatch of a fact-finding mission or through some other appropriate mechanism. I would also like to appeal to you, on behalf of the Government of Pakistan, to persuade India to refrain from violations of the human rights and fundamental freedoms of the Kashmiri people and to let them decide their destiny freely in accordance with the relevant United Nations resolutions.

Muhammad Siddique Khan KANJU

Annex II

Letter dated 17 May 1991 from the Secretary-General for Foreign Affairs of Pakistan addressed to the Secretary-General

1. You would recall that in October 1990, the Foreign Minister of Pakistan had written to you, drawing your attention to the popular movement for self-determination launched by the people of Indian-occupied Jammu and Kashmir and the massive violations of the human rights of the Kashmiri people by Indian forces in their campaign to suppress the movement by brutal use of force. It is with deep regret that I inform you that since then, the atrocities and the crimes committed by the Indian forces against Kashmiri men, women and children have increased manifold and sufferings of the helpless Kashmiri people are beyond measure.

2. As Your Excellency is aware, the uprising in the Indian-occupied Jammu and Kashmir stems from India's denial to the people of the territory, for over four decades, of their inalienable right of self-determination, pledged to them by India, Pakistan and the international community through relevant United Nations Security Council resolutions.

3. The Indian-occupied Jammu and Kashmir has been in a state of total turmoil for more than a year. The human rights violations by the Indian forces in the Indian-occupied Jammu and Kashmir have reached staggering proportions. Daily life in Kashmir has been paralysed. The political and administrative system has broken down. The economy is in a state of collapse. Medicines and medical aid are virtually non-existent. What the world is witnessing is the systematic destruction of life, property and social fabric of the people of the territory.

4. The Indian forces are following a scorced earth policy in Kashmir. Thousands of homes and businesses have been burnt and razed to the ground. Prolonged curfews are routinely imposed in all major civilian centres, totally dislocating life in the territory. For long periods, people are not allowed to buy even the basic necessities of life. Since January 1990, over 3,500 innocent civilians have suffered death at the hands of the Indian occupying forces. Thousands have been injured. Many more have been incarcerated and tortured. In recent days the daily toll of killings of innocent Kashmiri people by the Indian forces has reached unprecedented proportions.

5. In order to conceal the massive violations of human rights, the Indian Government has persistently refused permission to foreign journalists to visit Kashmir. International human rights groups have also not been allowed to enter the occupied territory. Even the International Committee of the Red Cross and Amnesty International have been denied entry. However, some Indian human rights groups which have managed to visit Kashmir have brought back with them documentary evidence of the spine-chilling atrocities taking place there.

6. Indiscriminate killings, arbitrary arrests, torture, rape and arson are a daily occurrence. The Indian Government has given arbitrary, untrammelled and Draconian powers to the Indian security forces. There is no crime, however heinous, gruesome and inhuman, that the Indian security forces have not committed. There have been reports of abduction and rapes of women by the security forces. In one night of frenzied bestiality in a Kashmiri village in February this year, scores of women were repeatedly raped by Indian troops. The gang rape by the Indian security forces, so blandly denied by the Indian Government, has been documented beyond any shadow of doubt. The incident was condemned on 18 April 1991 by the European Parliament, which called for an independent inquiry into it and called upon the Indian authorities to comply with human rights obligations.

7. Independent observers have continued to express their horror and deep concern over the deteriorating human rights situation in the Indian-occupied Jammu and Kashmir since the Foreign Minister of Pakistan wrote to you. Amnesty International, in its annual report for 1990 and its report of 10 April 1991, referred to the growing evidence of rape and molestation of women by the Indian forces in the occupied Kashmir and has asked for investigation into these incidents.

8. The United States State Department in its report on human rights abuses in India during 1990 gave many instances of brutality in the occupied Kashmir, including torture, political killings, arbitrary arrests, rape and burning of villages.

9. Asia Watch, a Washington-based human rights organization, in a detailed report released recently, accused India of allowing gross and systematic human rights abuses in Kashmir.

10. Even former Indian Prime Minister Rajiv Gandhi was constrained to acknowledge on 13 April 1991 that human rights were being violated in Kashmir. He accused the Indian forces of having "gone berserk".

11. As a consequence of the Indian repression, unprecedented in its brutality and violence, thousands of Kashmiris have been forced to flee to Azad Kashmir. They have brought with them gruesome tales of oppression, harassment, torture, arson and the cold-blooded murder of innocent people by the Indian military and paramilitary personnel.

12. Despite the deployment of more than 400,000 Indian military and paramilitary forces in Kashmir, the indigenous and popular uprising continues to gather momentum, reflecting the resolve of the people of Kashmir to secure the free exercise of their right to self-determination.

13. The Indian repression in Kashmir must not be allowed to go unchallenged in a world which is rapidly moving towards greater respect for fundamental rights and human dignity. The international community should bring to bear moral and political pressure so that India desists from the use of force and allows the people of the territory the free exercise of their inalienable

right to self-determination. The international community should express its revulsion for the brutalities being perpetrated in Kashmir. It should hold India responsible for the mass murder of the Kashmiri people which is approaching genocidal proportion. India must also permit the unhindered flow of international humanitarian relief assistance to the Kashmiri people and provide free access of international human rights organizations to the Kashmir Valley.

14. It is the earnest hope of the Government of Pakistan that Your Excellency will use your immense influence to ensure respect for the fundamental rights of the Kashmiri people, including their right to determine their own destiny in a free and impartial plebiscite under United Nations auspices in accordance with the relevant United Nations Security Council resolutions. It is also our expectation that Your Excellency and the United Nations will take action to investigate immediately the serious and consistent pattern of violations of human rights in the Indian-occupied Kashmir through despatching a fact-finding mission to Indian-occupied Kashmir or any other appropriate mechanism.

M. Akram ZAKI
Secretary-General